

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

PREPARED FOOD PHOTOS, INC. f/k/a/
ADLIFE MARKETING & COMMUNICATIONS CO., INC.,

Honorable William Duffin

Plaintiff,

Case No. 2:22-cv-652

vs.

KARL'S COUNTRY MARKET, INC.

Defendant and Third Party Plaintiff,

vs.

HOMETOWN PUBLICATIONS II, INC. d/b/a EXPRESS NEWS
c/o Registered Agent Ken Ubert,
8990 N. 51st Street
Brown Deer, WI 53223

Third - Party Defendant.

THIRD PARTY COMPLAINT

NOW COMES the defendant and third-party plaintiff, Karl's Country Market, Inc. by its attorneys, Jeffrey Leavell, S.C., and for its third party complaint against Hometown Publications II, Inc. d/b/a Express News alleges as follows:

1. The plaintiff in this action is Prepared Food Photos, Inc. allegedly formerly known as Adlife Marketing Communication Co. Inc. with an address of 8927 Hypoluxo Road, Lake Worth Road, Palm Beach County, FL 33467.
2. The defendant and third-party plaintiff is Karl's Country Market, Inc. doing business at W156N5645 Pilgrim Rd, Menomonee Falls, WI 53051. (Karl's)
3. The third-party defendant is Hometown Publications II, Inc. doing business as Express

News with offices at 8990 N. 51st St., Brown Deer, Wisconsin. (“Express News”)

4. This Court has supplemental jurisdiction over the third-party defendant as allowed by 28 U. S. Code §1367.

5. The plaintiff in this action filed a complaint against the defendant Karl’s alleging copyright infringement resulting from use of photographs in Karl’s advertising on the internet and in paper flyers, and the complaint making specific allegations is attached hereto as Exhibit 1.

6. Karl’s filed and served an answer to the complaint generally denying copyright infringement or denying knowledge or information as to it, and its answer and affirmative defenses is attached hereto as Exhibit 2.

7. Express News selected all of the photographs alleged and depicted in the complaint, and placed them into Karl’s advertising, both on the internet and in paper flyers.

8. Karl’s understood based on representations from Express News, and relied on those representations, that Express News had authority and license to use the photographs it selected for Karl’s advertising.

9. While Karl’s has denied liability to the plaintiff, if the plaintiff does receive any judgment or recovery against Karl’s, then Karl’s will be entitled to judgment against the third-party defendant for contribution or indemnification for the amount of damages and costs awarded to the plaintiff as a matter of law and equity.

WHEREFORE Karl’s County Market, Inc. seeks judgment dismissing the complaint upon its merits with all taxable costs, and, in the alternative, judgment for contribution or indemnification as allowed by law or equity against the third-party defendant with all taxable costs.

**DEFENDANT KARL’S COUNTRY MARKET, INC., HEREBY DEMANDS
TRIAL BY 12 PERSON JURY ON ALL MATTERS SO TRIABLE**

Dated this 10th day of August 2022.

JEFFREY LEAVELL, S.C.

Electronically signed by Jeffrey Leavell

By:

Jeffrey Leavell

State Bar No.: 1004734

Attorneys for Defendant and Third Party
Plaintiff Karl's Country Market, Inc.

P.O. Address

723 S. Main Street

Racine, WI 53403-1211

Telephone: (262) 633-7322

Facsimile: (262) 633-7323